IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4040 OF 2004

Shri Pradeep Oza ...Petitioner

Versus

Shri Atul Shah & Anr. ...Respondents

.....

Mr.J.P.Singh for Petitioner.

Mr.S.R.Shinde, A.P.P. for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

OCTOBER 5, 2004.

P.C.

1. Heard Counsel for the parties.

2. The only grievance made in this Application is that the complaint has been filed in the name of Shri Atul Shah and not by the Company - M/s.Pushp Holdings Ltd., who is the payee of the cheque. This submission clearly overlooks the fact that in the cause title, Atul Shah is described as Director of M/s.Pushp Holdings Ltd. Besides, if

the complaint is read as a whole, it is amply clear that the same has been filed for and on behalf of the Company by Atul Shah under proper authority. Assuming there is any formal defect, the same can always be cured during the proceedings. Such defect cannot be the ground for quashing. Hence, dismissed.

A.M.KHANWILKAR, J.